

REMARKS

Please reconsider the application in view of the following remarks. Applicant thanks the Examiner for carefully considering this application and for courtesies extended during the brief telephone conversation on February 12, 2007.

Disposition of Claims

Claims 1-17, 19, and 21-33 are currently pending in this application. Claims 1, 19, and 21 are independent. The remaining claims depend, directly or indirectly, from independent claims 1 and 21.

Rejections under 35 U.S.C. § 103

Claims 1-7, 12, 17, 19, 21-25, 28, and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,987,518 ("Gotwald") in view of U.S. Patent No. 5,835,725 ("Chiang"), and further in view of U.S. Patent No. 6,216,166 ("Zheng"). This rejection is respectfully traversed.

As described previously, in the claimed invention, the MAC address request includes a type of service requested by the decoder (*i.e.*, unicast service, multicast service, or unicast non-connected service) (*see* Specification, page 21, lines 8-10). Thus, the MAC address assigned in the present invention is directly *dependent on the type of service* requested by the decoder (*see* Specification, page 21, lines 8-10).

Turning to the rejection of the claims, the Examiner admits that Gotwald and Chiang fail to teach or suggest a method in which the at last one MAC address is dynamically assigned based on a type of service requested by the decoder, wherein the type of service requested is one

selected from the group consisting of a multicast service, a connected unicast service, and a non-connected unicast service (*see* Office Action mailed October 16, 2006, page 3).

Further, Applicants respectfully assert that Zheng fails to supply that which Gotwald and Chiang lack. As discussed briefly with the Examiner on February 12, 2007, Zheng fails to teach or suggest that a MAC address assigned to the group of network elements (NEs) is based on a *type of service requested by the decoder*. Specifically, the cited portion of Zheng discloses assigning MAC addresses to network elements (NEs), where reserved MAC addresses are assigned to unique groups of destination NEs to facilitate multicasting from one source NE to several destination NEs (*see* Zheng, col. 3, ll. 18-22). Firstly, as admitted by the Examiner during the conversation on February 12, 2007, the NEs taught by Zheng are not decoders, but rather, dummy terminals that are assigned a MAC address. Because the NEs do not function as a decoder, it is not possible for Zheng to disclose that a MAC address is assigned based on a type of service requested by the *decoder*, as required by the independent claims of the present invention.

Secondly, and more importantly, although Zheng discloses multicasting, Zheng fails to explicitly disclose that multicasting is a *service type that is requested* by the NEs disclosed in Zheng. In fact, Zheng is completely silent with respect to the NEs requesting any type of service. It logically follows that Zheng does not base the particular MAC address that is assigned to a group of NEs on any requested type of service, as required by the independent claims of the present invention.

In view of the above, it is clear that independent claims 1, 19, and 21 are patentable over Gotwald, Chiang, and Zheng, whether considered separately or in combination. Dependent

claims 2-7, 12, 17, 19, 22-25, 28, and 33 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 8-10, 13, 14, 26, 27, 29, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gotwald, Chiang, Zheng, and further in view of U.S. Patent No. 6,459,427 ("Mao"). This rejection is respectfully traversed.

As an initial matter, Applicants note that various combinations of one or more of *four* references have been used in rejecting the claims of the present application under 35 U.S.C. § 103(a). The purported reconstruction of the claimed invention by reliance on such a large number of references including, for example, a web-casting system for Internet access via a television system, which has nothing to do with address assignment in a hybrid broadcast/telecommunication system, is not appropriate. There is no suggestion or motivation that would enable one skilled in the art to turn to this combination of references to achieve the claimed invention. It is abundantly clear that the Examiner, using the present application as a guide, has selected isolated features of the various relied-upon references to arrive at the limitations of the claimed invention. Use of the present application as a "road map" for selecting and combining prior art disclosures is wholly improper. *See* MPEP § 2143; *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132 (Fed. Cir. 1985) (stating that "[t]he invention must be viewed not with the blueprint drawn by the inventor, but in the state of the art that existed at the time"); *In re Fritch*, 972 F.2d 1260 (Fed. Cir. 1992) (stating that "it is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious This court has previously stated that 'one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.'"); *In re Wesslau*, 353 F.2d 238 (C.C.P.A. 1965)

(stating that "it is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art") (*see also, Ex parte Lee Evan Nakamura, et al, Appeal No. 2004-2245 (2005)*, which states that using four or more references to reject narrow claims with 2-3 limitations is suspect).

Further, as described above, none of Gotwald, Chiang, or Zheng teach or suggest the limitations of independent claims 1 and 21. Further, Mao fails to supply that which Gotwald, Chiang, and Zheng lack, as evidenced by the fact that the Examiner relies on Mao solely for the purpose of disclosing an address request message that includes an indication of whether the decoder wishes to receive messages in one of a unicast and a multicast mode (*see Office Action mailed October 16, 2006, page 10*). Thus, it is clear that independent claims 1 and 21 are patentable over Gotwald, Chiang, Zheng, and Mao, whether considered separately or in combination. Dependent claims 8-10, 13, 14, 26, 27, 29, and 30 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Gotwald in view of Chiang and Zheng, and further in view of PCT/FI96/00640 ("Hakulinen"). This rejection is respectfully traversed.

As described above, none of Gotwald, Chiang, or Zheng disclose the limitations of independent claim 1. Further, Hakulinen fails to supply that which Gotwald, Chiang, and Zheng lack, as evidenced by the fact that the Examiner relies on Hakulinen solely for the purpose of disclosing an address request message that includes a indication of whether the decoder will remain connected to receive data via a telecommunications network after the communication of

the address request message (*see* Office Action mailed October 16, 2006, page 13). Thus, it is clear that independent claim 1 is patentable over Gotwald, Chiang, Zheng, and Hakulinen, whether considered separately or in combination. Claim 11, which is dependent on claim 1, is patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 15 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gotwald in view of Chiang and Zheng, and further in view of U.S. Patent No. 6,611,537 ("Edens"). This rejection is respectfully traversed.

As described above, none of Gotwald, Chiang, or Zheng teach or suggest the limitations of independent claims 1 and 21. Further, Edens fails to supply that which Gotwald, Chiang, and Zheng lack, as evidenced by the fact that the Examiner relies on Edens solely for the purpose of disclosing a central transmission station that dynamically controls which transport packet stream amongst a plurality of transport packet streams is used to carry encapsulated packet data addressed for a decoder (*see* Office Action mailed October 16, 2006, page 14). Thus, it is clear that independent claims 1 and 21 are patentable over Gotwald, Chiang, Zheng, and Edens, whether considered separately or in combination. Claims 15 and 31, which depend from independent claims 1 and 21, respectively, are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 16 and 32 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gotwald, Chiang, Zheng, and further in view of U.S. Patent No. 6,314,111 ("Nandikonda"). This rejection is respectfully traversed.

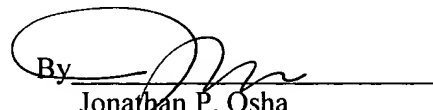
As described above, Gotwald, Chiang, and Zheng fail to disclose the limitations of independent claims 1 and 21. Further, Nandikonda fails to supply that which Gotwald, Chiang, and Zheng lack, as evidenced by the fact that the Examiner relies on Nandikonda solely for the purpose of disclosing a central transmission station that dynamically controls which service amongst a plurality of services is used to broadcast encapsulated packet data addressed for a decoder (*see* Office Action mailed October 16, 2006, page 15). Thus, it is clear that independent claims 1 and 21 are patentable over Gotwald, Chiang, Zheng, and Nandikonda, whether considered separately or in combination. Claims 16 and 32, which depend from independent claims 1 and 21, respectively, are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345/035001).

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Respectfully submitted,

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